

Remarks

Claims 63 and 64 were previously pending in the application. In the present response, no claims have been canceled and no new Claims have been added. Accordingly, after entry of this response Claims 63 and 64 will be pending. Reconsideration is respectfully requested based on the following remarks.

Claim Rejections 35 U.S.C. §103

Claims 63-64 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner et al. (U.S.6502125), herein referred to as "Kenner", in view of Jorgensen (U.S. 6452915), herein referred to as "Jorgensen".

In making this rejection, the Examiner stated that "Kenner et al. does not disclose downgrading the network link for lower priority clients when higher priority clients request the link. However, prioritizing clients and downgrading service links for low priority clients is well know in the art." It support of this statement, the Examiner stated that Jorgensen discloses "prioritizing higher priority clients over lower priority clients and scheduling low priority traffic from a subscriber who has purchase premium SLA service agreement over high priority traffic from a subscriber who has a low cost SLA service priority."

However, it is respectfully submitted that such prioritizing and scheduling is not the same as the claimed "downgrading lower priority clients from a higher quality of service network link to a less optimal network link when a higher priority client requests use of the higher quality of service network link." More particularly, such contemporary prioritizing involves determining which link a particular client is to use and then scheduling the use of that link for the client. Such contemporary prioritizing does not include downgrading a client that has previously been prioritized.

More particularly, Jorgnesen at column 50, lines 15-46 states:

“FIG. 9 illustrates how PRIMMA MAC IP flow scheduler 604 can also take into account a Service Level Agreement in prioritizing frame slot scheduling and resource allocation. FIG. 9 depicts SLA-mediated IP flow management diagram 900 including prioritization of uplink traffic being transmitted to wireless base station 302 from CPE subscriber locations 306a, 306b, 306c and 306d. For example, suppose subscribers of telecommunications services have subscribed to one of four SLA levels, P1902a, P2904a, P3906a and P4908a. In the illustrated example, suppose IP flows 902b are being sent to a subscriber at CPE location 306a and have an SLA priority level of P1902a. Similarly, IP flows 904b, 906b and 908b are being sent to subscribers at CPE locations 306b, 306c and 306d and have SLA priority levels of P2904a, 906a and 908a, respectively. PRIMMA MAC scheduler 604, 634 of wireless base station 302 can take into account SLA-based priorities in allocating available bandwidth to the subscriber CPE IP flows 902b, 904b, 906b and 908b. In the example illustration, IP flow 902b can be allocated frame slot 902c based on SLA priority 902a. Frame slots 904c, 906c and 908c can be similarly scheduled taking into account SLA priorities. Uplinked IP flow traffic can then be transmitted on to data network 142.

SLA-based prioritization can provide a valuable means for a telecommunications provider to provide differentiated services to a variety of customers. For example, it is possible that low priority traffic from a subscriber who has purchased a premium SLA service agreement, can be scheduled at a higher priority than high priority traffic from a subscriber which has only signed up for a value level or low cost SLA service priority.”

The statements above that “IP flow 902b can be allocated frame slot 902c based on SLA priority 902a” and “it is possible that low priority traffic from a subscriber who has purchased a premium SLA service agreement, can be scheduled at a higher priority than high priority traffic from a subscriber which has only signed up for a value level or low cost SLA service priority,” for example, merely teach the assignment of priority and not downgrading of previously assigned priority.

As such, it is respectfully submitted that none of the cited references, taken either alone or in combination with one another, either disclose or make obvious “downgrading

lower priority clients from a higher quality of service network link to a less optimal network link when a higher priority client requests use of the higher quality of service network link,” as substantially recited in independent Claims 63 and 64. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a).

Conclusion

In view of the remarks set forth above, it is submitted that the application is now in condition for allowance. Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 08-1394. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 202-3000 is welcomed and encouraged.

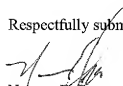
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December 30, 2010
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Respectfully submitted,


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